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| APPLICATION NUMBER | FILING OR 371 (c) DATE | FIRST NAMED APPLICANT | ATTORNEY DOCKET NUMBER |
|--------------------|------------------------|--------------------------------|------------------------|
| 10/812,144 | 03/29/2004 | Emmanuel Cyrille Pascal Briand | 674525-2011 |

20999
FROMMER LAWRENCE & HAUG
745 FIFTH AVENUE- 10TH FL.
NEW YORK, NY 10151



CONFIRMATION NO. 3079

FORMALITIES LETTER

OC000000012570548

Date Mailed: 05/12/2004

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

*Filing Date Granted*Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is \$130 for a Large Entity

- \$130 Late oath or declaration Surcharge.

Replies should be mailed to: Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

*A copy of this notice **MUST** be returned with the reply.*

08/10/2004 MBELETE1 00000036 500320 10812144

01 FC:1051 130.00 DA



Customer Service Center
Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

PATENT
674525-2011**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant(s) : Emmanuel Cyrille Pascal BRIEND, et al
Serial No. : 10/812,144
For : MODULATORS
Filed : March 29, 2004
Examiner : To Be Assigned
Art Unit : 1645



Fifth Avenue, New York, NY 10151

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this paper being transmitted to the United States Patent and Trademark Office on the date indicated below to (703) 746-4060 the facsimile number designated to receive Responses to Notice to File Missing Parts.

Anne-Marie C. Yvon Reg. No. 52,390

(Typed or printed name)

Anne-Marie C. Yvon

(Signature of person mailing paper or fee)

August 6, 2004

(Date)

**COMMUNICATION FORWARDING DECLARATION
AND REQUEST FOR EXTENSION OF TIME**

Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This is in response to the Notice to File Missing Parts of Nonprovisional Application mailed May 12, 2004, setting a two-month period for reply. Pursuant to 37 C.F.R. §§1.136(a) and 1.1 7(a), it is respectfully requested that the period for reply be extended one month, i.e., up to and including August 12, 2004. The Commissioner is hereby authorized to charge the Late Declaration Surcharge in the amount of \$130.00, and the required fee of \$110.00 for the extension of time to Deposit Account 50-0320.

08/10/2004 MBELETE1 00000036 500320 10812144

02 FC:1251 110.00 DA

PATENT
674525-2011REMARKS

The Notice to File Missing Parts of Nonprovisional Application required the submission of an executed declaration and the associated surcharge. It is respectfully submitted that these requirements are satisfied by the enclosures herein.

CONCLUSION

In view of the remarks and enclosures herein, it is respectfully submitted that the application now complies with all requirements set forth in the Notice. Reconsideration and withdrawal of the Notice to File Missing Parts of Nonprovisional Application is earnestly solicited.

Should additional fees be necessary in connection with the filing of this paper the Commissioner is hereby authorized to charge Deposit Account No. 50-0320 for any such fees.

Respectfully submitted,
FROMMER LAWRENCE & HAUG LLP

By:

Anne-Marie C. Yvon
Thomas J. Kowalski
Reg. No. 32,147

Anne-Marie C. Yvon, Ph.D.
Reg. No. 52,390
(212) 588-0800

TJK/jma

Enc.: Executed Declaration
Copy of Notice to File Missing Parts

**FROMMER LAWRENCE & HAUG LLP**

745 Fifth Avenue
New York, New York 10151
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FACSIMILE COVER LETTER

To: United States Patent and Trademark Office
Firm: Missing Parts
Facsimile: 703-746-4060
From: Thomas J. Kowalski / Anne-Marie C. Yvon, Ph.D.
Date: August 6, 2004
Re: U.S. Application Serial No. 10/812,144
Our Ref.: 674525-2011
Number of Pages: 11
(including cover page)

If you do not receive all pages or are unable to read the transmission, please call and ask for Jennifer Archer (Ext. 2012).

I hereby certify that the following documents are being transmitted via facsimile to the United States Patent and Trademark Office designated number for Missing Parts on the date indicated above.:

1. Communication in response to notice to file missing parts and requesting a one month extension of time (2 pages)
2. Executed Declaration for Patent Application and Power of Attorney (6 pages)
3. Copy of the Notice to File Missing Parts of Nonprovisional Application (2 pages)

CHARGE DEPOSIT ACCOUNT

CONFIDENTIALITY NOTICE

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